



## Legislative Bulletin.....June 27, 2007

### Contents:

**H.R. 2829 – PART 2** – Amendments to the Financial Services Appropriations Bill, FY 2008

H.R. 2829, the Interior, Environment, and Related Agencies Appropriations Act, FY 2008 (sponsored by Rep. Jose Serrano, D-NY), is currently being considered on the House floor.

**Note:** Earlier this evening a Unanimous Consent agreement was reached, which made in order the 45 amendments summarized below. Under the UC, all amendments are debatable for 10 minutes (unless otherwise stipulated), may be offered by the Member or his designee, and shall be considered to fit the description stated in the UC “if it addresses in whole or in part the object described.” Thus, Members are provided latitude to amend their amendment prior to consideration, so long as it still addresses the primary subject described in the UC.

The summaries below are based on RSC staff’s review of *actual amendment text*, to the extent possible. For a summary of the underlying bill, see a separate RSC document released earlier today.

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**Stearns (R-FL).** Decreases, then increases, the funds for the U.S. Treasury Salaries and Expenses account by \$200,000. The amendment sponsor states the purpose of the amendment is to increase the funds available for enhancing “the Treasury Department’s international economic policy coordination efforts to combat the growing problem of China’s currency manipulation.”

**Hooley (D-OR).** Regarding funding for High Intensity Drug Trafficking Areas. WILL NOT BE OFFERED

**Poe (R-TX) / Cuellar (D-TX) #35.** Increases the funds in the Act for the Court of Appeal, District Courts, and Other Judicial Services account by \$10 million; decreases funds for the District of Columbia Courts account by \$10 million. The amendment sponsor states that “the rising number of criminal immigration cases has created considerable strain to federal district courts along the U.S.-Mexico border. This

amendment is intended to “better handle the increasing caseload along the southwest border of the U.S., where federal courts have a greater percentage of their criminal caseload affected by immigration cases than other federal courts.”

**Davis, Tom (R-VA) #7.** Reduces funds for the office of special counsel’s salaries and expenses by \$1 million (from \$16.368 million to \$15.368 million) and increases funds for school improvement in the District of Columbia by \$1 million (from \$40.8 million to \$41.8 million). Of the \$1 million increase for school improvements, \$334,000 would be for improving public school education in D.C., \$333,000 would be for improving public charter schools in D.C., and \$333,000 would provide scholarships for D.C. students.

**King (R-IA).** Nearly zeroes-out funds in the Act for the Election Assistance Commission.

**Cardoza (D-CA) #4.** Reduces funds for General Services Administration’s policy and operations budget by \$14.295 million (from \$142.945 million to \$128.65 million), which is equivalent to 10 percent.

**Cardoza (D-CA) #5.** Reduces funds for General Services Administration’s policy and operations budget by \$5 million (from \$142.945 million to \$137.945 million) and increases funds for expenses of the Office of the Inspector General by \$5 million (from \$47.382 million to \$52.382 million).

**DeFazio (D-OR) #8.** Transfers \$10 million from the Selective Services System’s budget for salaries and expenses (reduced from \$22 million to \$12 million) to the Small Business Administration’s budget for salaries and expenses (increased from \$346.553 million to \$356.553 million).

**Sessions (R-TX) #15.** Strikes the language in the underlying bill (Section 738) that would impose imitations on the Administration’s public-private competition initiative for certain government services (otherwise known as “competitive sourcing” or “OMB Circular A-76). The underlying section that would be struck also includes new causes of action (i.e. allows more lawsuits against the Administration).

**Conaway (R-TX) #6.** Expresses the sense of the House that “any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.”

**DeFazio (D-OR) #9.** Prohibits funds from being used for the Selective Services System to plan, prepare, or conduct Area Office Mobilization Prototype Exercises. According to Selective Services, these exercises are conducted to access the “activation process” for the draft Lottery system. While some see these tests as a precursor to the re-instatement of the draft, Selective Services maintains that the exercise is essential to evaluating preparedness in the case of an emergency.

**Ellsworth (D-IN) #10.** Prohibit funds from being used to enter into a contract, in an amount higher than the simplified acquisition minimum, unless the contractor certifies in writing that he does not have federal tax debt. In addition, the Federal Acquisition Regulation would then be modified to certify whether a prospective contractor:

- has or has not been convicted of violating any tax law or failing to pay taxes within the past three years;
- has or has not been notified of any delinquent taxes in the past three years;
- has or has not received notice of a tax lien that remains unsatisfied or has not been released within the past three years.

**Emanuel (D-IL).** An amendment by Mr. Emanuel limiting funds for the Vice President's office. The Amendment sponsor's office did not respond to requests for bill text.

**Garrett (R-NJ) #1.** Prohibits funds from being used by the Securities and Exchange Commission (SEC) to enforce section 404 of the Sarbanes-Oxley Act (SOX) with respect to non-accelerated filers.

Compliance with SOX section 404 requires publicly traded companies to make annual and/or quarterly reports on their internal control over financial reporting. Producing these internal reports is very costly, and especially burdensome to small and medium-sized business. As such, small and medium-sized companies have been classified as "non-accelerated filers" and have been given an extended period of time to comply with the regulations. The Garrett amendment denies the SEC from enforcing section 404 regulations against non-accelerated companies that have not yet been forced to file.

**Goode (R-VA) #32.** Prohibits funds in Title IV or VIII of the Act to be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, section 32-701 et seq.).

D.C. enacted the Health Care Benefits Expansion Act in 1992, which created a domestic partner registry for unmarried couples and granted many of the same benefits to these domestic partners as legally married spouses. Congress passed a provision within an appropriations bill the same year that prohibited the use of federal taxpayer dollars for domestic partner benefits. Thus, federal funds have never been used for domestic partner benefits in D.C., and underlying bill text would change this for the first time. The Administration strongly opposes any change to the current prohibition on federal funds for domestic partner benefits, stating: "The Administration strongly opposes the bill's exclusion of a longstanding provision that disallows the use of Federal funds to register unmarried, cohabitating couples in the District, to enable them to qualify for benefits on the same basis as legally married couples. Under Federal law, legal marriage is the union between a man and a woman. Federal tax dollars are not used to extend employment benefits to domestic partners of Federal employees, and D.C. should not enjoy an exception to this rule. *If the final version of H.R. 2829 does not include this longstanding provision, the President's senior advisors would recommend he veto the bill.*" (emphasis added)

**Hulshof (D-MO) #11.** Reduces funds the Election Reform Programs by \$8 million (from \$59.224 million to \$51.224 million) and increases funds for the Federal Drug Control Program's High Intensity Drug Trafficking Areas Programs (from \$226 million to \$234 million).

**Jordan (R-OH) #31.** Reduces the overall appropriations in the Act by 8.9 percent, except those amounts that are "not required to be appropriated or otherwise made available by a provision of law." This amendment would return funding to the FY2007 enacted level.

**Kingston (R-GA).** An amendment limiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration. In other words, this amendment would require any company competing for a government contract to participate in the Basic Pilot Program (or the Employment Eligibility Verification Program as it is now known) in order to be eligible for such contracts.

**Lucas (R-OK) #34.** Prohibits funds in the Act to be used by the U.S. government to seize or take possession of (other than for value given in a sale or exchange) any coin, medal, or numismatic item made or issued by the U.S. government before January 1, 1933, that is not already in the possession of the U.S. government at the time of enactment of this Act. The amendment sponsor states that this amendment "provides a clear line of demarcation with regard to private ownership" of any coin or medal. The amendment sponsor adds that "under current law, the U.S. Mint has the authority to seize coins created if it believes they are unauthorized coins."

**Moran (R-KS).** An amendment limiting funds to enforce certain regulations related to exports to Cuba. The Amendment sponsor's office did not respond to requests for bill text.

**Miller (D-NC).** An amendment regarding Executive Order 13422. The Amendment sponsor's office did not respond to requests for bill text.

**Musgrave (R-CO) #13.** Reduces all discretionary appropriations in the bill 0.5 percent, or \$107.17 million (From \$21.434 billion to \$21.32683 billion).

**Neugebauer (R-TX).** An amendment limiting funds for the Federal Election Commission regarding certain certifications for the Presidential Election Campaign Fund. WILL NOT BE OFFERED.

**Neugebauer (R-TX).** An amendment limiting the collection and distribution of funds from the Presidential Election Campaign Fund. WILL NOT BE OFFERED.

**Pence (R-IN) / Flake (R-AZ) / Hensarling (R-TX).** Prohibits funds in this Act from being used to reinstate the "Fairness Doctrine," the former FCC political speech regulations requiring that TV and radio broadcasters present opposing viewpoints on

controversial issues of public importance. The repeal of the Fairness Doctrine is widely seen as giving rise to the proliferation of conservative talk radio. Leading Democrats, such as Senator Dick Durbin (D-IL) and Senator Dianne Feinstein (D-CA) have called for the reinstatement of the Fairness Doctrine. Debatable for 40 minutes.

**Price (R-GA).** An amendment reducing overall funds in the bill by one percent, which will be debated for 30 minutes.

**Souder (R-IN).** Prohibits funds in the Act from being used by the District of Columbia for “any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.” The language in quotes is identical to language contained in current law.

The underlying bill text weakens a provision in current law that prohibits all funds (D.C. or federal) from being used for any needle exchange program in the District. Thus, if enacted unchanged, the District of Columbia could (and very likely would, based on statements from past and present D.C. elected officials) use local taxpayer funds to provide hypodermic needles and syringes to drug addicts to engage in illicit drug use.

Language in current law:

SEC. 516. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

Language in the underlying bill:

SEC. 812. None of the ***Federal*** funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. (emphasis added).

[Click here](#) to view a Vancouver study regarding needle exchange program. To view an article published by Sen. Tom Coburn on this, [click here](#). Also, the Administration SAP stated strong reservations regarding lifting the current funding ban on needle exchange, stating:

“The Administration also strongly opposes lifting the ban on funding for needle distribution programs to illegal drug users in the District of Columbia. Needle distribution programs facilitate illegal drug use. Drug use prevention and treatment programs are superior public health alternatives because these programs reduce both the sharing of contaminated needles and the harms of illegal drug use.”

The American Founding Fathers put in the United States Constitution, in one clause, the power for Congress to create the District of Columbia and to control it legislatively. Specifically, Article I, Section 8, Clause 17 gives Congress the power “To exercise

exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” As is evident in Article I, Section 8, Clause 17 (often known as “The District Clause”), the District of Columbia was created specifically so that it would NOT be a state or have the legislative function of a state. On the contrary, the Founders gave the District the same legislative stature as forts and dock-yards. The District was never intended to have independent legislative or representational authority; that is why a separate capital district was carved out of two states (Maryland and Virginia) in the first place. Otherwise, the capital city could have just been a city in an existing state, with its residents being represented in Congress like any other citizens.

**Souder (R-IN).** Prohibits funds in the Act from being used for the Prevention Works or Whitman-Walker needle exchange programs. The only needle exchange program currently operating in the District (on private funds, due to the current funding ban) is [Prevention Works](#), which has lobbied for lifting the current funding restriction. The [Whitman-Walker Clinic](#) operated a needle exchange program in the District in the past, though it currently does not (and has also lobbied for lifting the funding ban). This amendment would seek to ensure that no federal or D.C. funds go to either organization for the purposes of a needle exchange program.

The previous Souder amendment, which would have prohibited funds in the Act from being used by the District of Columbia for “any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug” was ruled out-of-order (even though the language was identical to language contained in current law, and also identical to language in the underlying bill with the exception of the word “federal” before “funds.”)

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**Stearns (R-FL).** Prohibits funds in the Act from being used by the I.R.S. to implement a Spanish-language version of “[Where’s My Refund?](#)” service.

**Upton (R-MI) #2:** Prohibits funds from being used to purchase light bulbs that do not carry the “ENERGY STAR” or “Federal Energy Management Program” seal.

**Wicker (R-MS).** Prohibits funds in the Act from being used to edge-incuse the phrase “In God We Trust” and “E Pluribus Unum” on the [\\$1 Presidential Coins](#) (by prohibiting funds from implementing 31 U.S.C 5112(n)(2)(C)). Currently, both phrases are inscribed or edge-incused on the side of the coin. Due to normal circulation and wear of coins, it is likely that these statements will be worn away significantly faster than if they were inscribed on the front of the coin, as all other U.S. coinage is currently made. The amendment sponsor states that by preventing funds to carry out the edge-inscription provision currently in statute, the inscription would then fall under subsection (d), which requires that both phrases appear on the face of all U.S. coins.

**Wolf (R-VA) #14.** Enacts H.R. 473 of the 110<sup>th</sup> Congress (as introduced on January 16, 2007), which would establish Securing America’s Future Economy (SAFE) Commission, and appropriates \$1.5 million for the Commission. The amendment reduces funds for Election Reform Programs by \$1.5 million (from \$300 million to \$298.5 million) for the purposes of an offset.

**Flake (R-AZ).** Prohibits funds in the Act from being used for the Barracks Row Main Street, Washington, DC.

**Flake (R-AZ) #17.** Prohibits funds in the Act from being used by the Small Business Administration for the Fairplex Trade and Conference Center, Pomona, California.

**Flake (R-AZ) #18.** Prohibits funds in the Act from being used by the Small Business Administration for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program.

**Flake (R-AZ) #19.** Prohibits funds in the Act from being used by the Small Business Administration for the Mitchell County Development Foundation, Inc. for the Home of the Perfect Christmas Tree project.

**Flake (R-AZ) #20.** Prohibits funds in the Act from being used by the Small Business Administration for the Oil Region Alliance of Business, Industry and Tourism.

**Flake (R-AZ) #21.** Prohibits funds in the Act from being used by the Small Business Administration for the San Francisco Planning and Urban Research Association, SPUR Urban Center.

**Flake (R-AZ) #22.** Prohibits funds in the Act from being used by Small Business Administration for the West Virginia University Research Corporation for renovations of a small business incubator.

**Flake (R-AZ) #24.** Prohibits funds in the Act from being used by the Small Business Administration for the City of Charlotte, NC, Belvedere Business Park Project.

**Flake (R-AZ) #26.** Prohibits funds in the Act from being used by the Small Business Administration for the Historic Downtown Retail Project, Valley Economic Development Center.

**Flake (R-AZ) #28.** Prohibits funds in the Act from being used by the Small Business Administration for the Advantage West Economic Development Group, Certified Entrepreneurial Community Program.

**Campbell (R-CA).** Prohibits funds in this Act from being used for the Abraham Lincoln National Airport Commission.

**Campbell (R-CA).** Prohibits funds in this Act from being used for the Wittenberg University East Asian Study Center.

**Campbell (R-CA).** An amendment limiting funds for 147 projects requested by Members of Congress. PROHIBITS FUNDS FROM GOING TO ANY EARMARK IN THE BILL.

**Regula (R-OH).** An amendment regarding the IRS. The Amendment sponsor's office did not respond to requests for bill text.

**Obey (D-WI).** An amendment prohibiting funds in the bill from going to earmarks.

**Serrano (D-NY).** An amendment regarding funding levels. NO TEXT AVAILABLE.